

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ADAMS OUTDOOR ADVERTISING	:	
LIMITED PARTNERSHIP,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:17-cv-01253
	:	
PENNSYLVANIA DEPARTMENT OF	:	
TRANSPORTATION; ¹ and	:	
LESLIE S. RICHARDS,	:	
Defendants.	:	

ORDER

Plaintiff's Motion for Reconsideration, ECF No. 27 - Denied
Plaintiff's Motion for Summary Judgment, ECF No. 30 – Granted in part, Denied in part
Defendant's Motion for Summary Judgment, ECF No. 31 – Granted in part, Denied in part

AND NOW, this 5th day of June, 2018, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT**:

1. Plaintiff's Motion for Reconsideration, ECF No. 27, is **DENIED**.
2. Plaintiff's Motion for Summary Judgment, ECF No. 30, is **GRANTED in part and DENIED in part** as follows:

A. Summary judgment is **GRANTED** and judgment is **ENTERED** in Plaintiff's favor as to its claim that the Act is unconstitutional for not including time limits to act on permit applications (facial challenge). The permit requirement in 36 P.S. § 2718.107 is **DECLARED** unconstitutional.

B. The Secretary of PennDOT is **PERMANENTLY ENJOINED** from enforcing the permit requirement in 36 P.S. § 2718.107 until such time as PennDOT provides for internal time limits on permitting decisions in a manner consistent with the Opinion.

C. The Motion is **DENIED** in all other respects.

¹ The Pennsylvania Department of Transportation ("PennDOT") was terminated as a Defendant on August 4, 2017.

3. Defendant's Motion for Summary Judgment, ECF No. 31, is **GRANTED in part and DENIED in part** as follows:

A. Summary judgment is **GRANTED** and judgment is **ENTERED** in favor of Defendant as to Plaintiff's claim that the Interchange Prohibition in 36 P.S. § 2718.105(c)(2)(i) violates the First Amendment.

B. Plaintiff's claim that the exemptions in 36 P.S. § 2718.104 and 36 P.S. § 2718.105(c)(2)(iv) are unconstitutional is **DENIED** because Plaintiff lacks standing to raise this claim.

C. Plaintiff's claim that the Act is unconstitutional because of the one-year delay before its application was decided (as-applied challenge) is **DENIED as moot**.

D. The Motion is **DENIED** in all other respects.

4. The case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge